



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Baker Field Office

P.O. Box 947

Baker City, Oregon 97814

IN REPLY REFER TO:

4100

(#3606133)

MAR 05 2012

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Vaughan Family Cattle Co.
c/o Ms. Reagan Vaughan
P.O. Box 259
Durkee, OR 97905

Notice of Field Manager's Proposed Decision for Renewal of Grazing Permit Number 3606133

Dear Ms. Vaughan:

INTRODUCTION

The Bureau of Land Management (BLM) issued revised grazing regulations in 1995, which set forth the process of establishing Standards for Rangeland Health (Title 43 Code of Federal Regulations [CFR] 4180.2). Oregon/Washington BLM Standards and Guides (S&Gs) for Rangeland Health were approved on August 12, 1997. The purpose for setting standards and identifying their indicators was to provide BLM with a rational basis for determining whether current management is meeting the Fundamentals of Rangeland Health as described under 43 CFR 4180.1.

BLM field offices in Oregon and Washington were subsequently directed to conduct assessments and then use that assessment information to craft rangeland health evaluations in relation to the state standards. These evaluations were conducted using interdisciplinary teams (IDTs) with various resource specialists, representing the biological and physical science disciplines. The IDTs collected, reviewed and analyzed the available data for the purpose of completing range health evaluations.

BACKGROUND

The assessment and Allotment Evaluations for the Pedro Mountain Geographic Unit were completed in 2007, and the Determinations were completed in 2008. As stated in these documents, the rangeland health standards for the French Creek #01032, Lost Basin #01027, and Summit Spring #01072 allotments are not being met, and existing grazing management practices are significant factors in

failing to achieve these standards. In French Creek Allotment, where 44% of the grazing capacity is on public land, none of the five rangeland health standards were met on public lands. In Lost Basin Allotment, where 17% of the grazing capacity is on public land, three standards were not being met on public lands: Standard 2 (watershed function, riparian), Standard 4 (water quality), and Standard 5 (habitat for native plant and animal species). In Summit Spring Allotment, which is all public land, only Standard 2 was not being met. Therefore, action must be taken (mandated by 43 CFR 4180) that will result in significant progress toward fulfillment of the standards. Interim management actions taken after the 2008 Determinations already have changed some of the grazing practices and made progress in the interim, while the processes of interdisciplinary environmental analysis with public input pursuant to the National Environmental Policy Act (NEPA) and consultation, cooperation, and coordination with permittees, Oregon Department of Fish and Wildlife, and interested publics set out in BLM's grazing regulations, have been going on.

The interdisciplinary review has been completed for your Pedro Mountain Geographic Unit allotments, Lost Basin, French Creek, and Summit Spring Allotments, as documented in the EA #OR-030-08-004 originally issued on March 5, 2009, and re-released on October 3, 2011, with revisions in response to comments.

Permit renewal for the allotment in Burnt River Geographic Unit, Cave Creek Allotment #01004, was addressed in the EA #OR-035-05-05 signed May 3, 2007.

Permit renewals for allotments determined to have met all standards were addressed in Determinations of NEPA Adequacy (DNAs). The North Hereford #15205 and Rock Creek #15212 Allotments, both in the Baker Miscellaneous Geographic Unit, were addressed in the DNA #OR-030-07-007 signed September 28, 2007.

Allotments #01003 Cave Creek, #15205 North Hereford, and #15212 Rock Creek were addressed in the March 13, 2008, decision modifying Grazing Permit 3606133 which has already become final.

Pending completion of the permit renewal processing for all the different Geographic Units, your Permit Number 3606133 was renewed under the Appropriations Act in 2006 when it last expired. The March 13, 2008, decision modified this permit by implementing actions that will result in significant progress toward fulfillment of standards in Cave Creek Allotment #01003, but the renewal of Permit Number 3606133 could not be fully processed until now, after the EA for the Pedro Mountain Geographic Unit became final.

Table 1. The current permitted use for ALL your allotments is:

Allotment	Active AUMs	Suspended AUMs	Total AUMs
Cave Creek #01003	152	56	208
Lost Basin #01027	282	0	282
French Creek #01032	143	0	143
Summit Spring #01072	358	232	590
North Hereford #15205	35	15	50
Rock Creek #15212	10	0	10

Table 2. The mandatory terms and conditions of your term permit for these allotments, prior to this decision, were:

Allotment	Number	Kind	Begin Period	End Period	% Public Land	Type Use	Active AUMS
Cave Creek 01003	29	Cattle	4/20	7/10	100	Active	78
Cave Creek 01003	29	Cattle	9/16	11/30	100	Active	72
Lost Basin 01027	42	Cattle	4/11	10/31	100	Active	282
French Creek 01032	47	Cattle	4/16	5/30	100	Active	70
French Creek 01032	47	Cattle	10/16	11/30	100	Active	71
Summit Spring 01072	191	Cattle	10/5	11/30	100	Active	358
North Hereford 15205	35	Cattle	4/16	5/15	100	Active	35
Rock Creek 15212	10	Cattle	5/1	5/31	100	Active	10

PROPOSED DECISION

It is my proposed decision to implement the proposed action (Alternative 3) in EA #OR-030-08-004 (the 2011 EA) and to renew Grazing Permit Number 3606133 for a period of ten years (3/1/2012 to 2/28/2022). It is also my decision to implement the following rangeland project in the Lost Basin Allotment to assist in implementing the grazing changes and new grazing schedules contained in this decision.

Lost Basin Allotment

The Lost Basin Juniper Falling Project will provide for significant progress in achieving Standard 5 by reducing juniper encroachment and protecting aspen groves from both livestock and wildlife grazing for a period of time long enough to permit reproduction and recovery of aspen.

The Lost Basin Spring Protection Fences Project will provide for significant progress in achieving Standards 2 and 5 by excluding cattle grazing and trampling from two springs on public land, protecting the spring sources while piping the water to troughs.

The above projects for Lost Basin Allotment were adequately analyzed in EA #OR-030-08-004, so additional environmental review for these projects would not be conducted.

The French Creek Pasture Fence identified in the EA, if built, would be a private land boundary fence and thus is not part of this decision.

It is also my decision to impose new terms and conditions on your grazing permit as described in this decision.

The AUMs of permitted public land use for these allotments shall remain the same under the new permit as under the old permit.

Table 3. The mandatory terms and conditions of the new permit are:

Allotment	Number	Kind	Begin Period	End Period	% Public Land	Type Use	Active AUMS
Cave Creek 01003	29	Cattle	4/20	7/10	100	Active	78
Cave Creek 01003	29	Cattle	9/16	11/30	100	Active	72
Lost Basin 01027	42	Cattle	4/11	10/31	100	Active	282
French Creek 01032	65	Cattle	4/16	6/30	44	Active	71
French Creek 01032	65	Cattle	10/5	12/20	44	Active	72
Summit Spring 01072	96	Cattle	4/30	6/23	100	Active	174
Summit Spring 01072	98	Cattle	10/15	12/10	100	Active	184
North Hereford 15205	35	Cattle	4/16	5/15	100	Active	35
Rock Creek 15212	10	Cattle	5/1	5/31	100	Active	10

The 2011 EA for Lost Basin, French Creek, and Summit Spring Allotments specifies the total AUMs available and the periods of use within which grazing may be authorized, and Table 3 shows these same numbers. Within this time frame in French Creek Allotment, BLM can authorize more cattle for a shorter period, as long as AUMs given are not exceeded. This recognizes the fact that the numbers of cattle and periods of use within the French Creek Allotment, the majority of which is private land owned by the permittee, will vary from year to year depending on each year's schedule for the Summit Spring and Lost Basin Allotments. For example, in Year 1, if Summit Spring Allotment is used in spring, French Creek might have 180 cattle from 4/23 to 4/29 (on the way to Summit Spring) and 120 cattle from 10/5 to 12/15 (coming back from Lost Basin), for a total of 143 AUMs. In Year 2, if Summit Spring is used in fall, French Creek might have 190 cattle from 5/1 to 6/15 (on the way to Lost Basin) and 120 cattle from 12/11 to 12/20 (coming back from Summit Spring), for a total of 143 AUMs.

The term permit has to show all available periods of use on one schedule but not exceed the yearly AUMs allotted. The **normal** period of use and maximum allowable use in the basic schedule for Summit Spring Allotment will be either fall or spring use as shown in Table 4:

Table 4. Normal numbers of livestock and periods of use for Summit Spring Allotment

Allotment	Number	Kind	Begin Period	End Period	% Public Land	Type Use	Active AUMS
Summit Spring 01072	191	Cattle	10/15	12/10	100	Active	358
Summit Spring 01072	198	Cattle	4/30	6/23	100	Active	358

The 14 days of flexibility provided by the 2011 EA (pages 16 and 107 of the EA) would be allowed only under a signed allotment management plan or management agreement.

Other terms and conditions of the new permit are:

1. Wildlife escape ramps must be installed and maintained in all water troughs.
2. Modifications to the grazing permit may be implemented to protect historic properties under the National Historic Preservation Act.
3. All range projects must be inspected and maintained prior to turnout of livestock. Failure to properly complete your assigned maintenance in a timely manner will be cause for denial of authorization to either place permitted livestock on the allotment or move into the next pasture of the grazing sequence. You are also required to maintain your proportionate share of range projects whether you graze livestock or take non-use.
4. Use will be in accordance with the allotment management plan, current grazing system, or instructions issued.
5. Permittee shall provide the BLM with a completed actual use record (Form 4130-5) within 15 days of the close of the grazing season.
6. Permittee shall provide the BLM with any changes in their property ownership or control of their grazing permit or lease as soon as possible.
7. Permit is subject to modification as necessary to achieve compliance with the standards for rangeland health and guidelines for livestock management (43 CFR 4180).

8. Unless otherwise stated, when BLM determines, based on its monitoring results, that utilization approaches or is at 50% on upland grasses or 30% on riparian shrubs and notifies the permittee, the permittee will be required to move his livestock to the next pasture in the grazing schedule or off the allotment. The permittee must ensure that all livestock are removed immediately or within a time period specified by BLM's authorized officer through 43 CFR 4150.2.
9. The Upper Reagan Creek area of Custodial Allotment #01027 will only be grazed for one month sometime between 6/1 and 7/10, and the use will be adjusted as necessary to reach an end-of season stubble height target of 3-4 inches.
10. Custodial allotments #01027, #15212 and #15205 are listed as 100% public land for billing purposes only.
11. If BLM, based on its monitoring results, determines that end-of-season riparian stubble height targets of 3-4 inches in allotment #01072 have been exceeded for two consecutive years, BLM will notify the permittee in writing and the permittee will be precluded from grazing the allotment in the third year. In allotment #01032, if BLM, based on its monitoring results, determines that the end-of-season riparian stubble height targets of 3-4 inches have been exceeded for two consecutive years, BLM will notify the permittee in writing and the permittee will be limited the third year to only graze the amount of private land AUMs.
12. Salting/mineral stations shall not be located on or within ¼ mile from cultural resources or riparian areas.
13. In the fall use pasture of allotment #01003, utilization limits are 55%. If BLM, based on its monitoring results, determines that the utilization limits have been exceeded, BLM will notify the permittee in writing and the permittee's fall use in the following year will be reduced by two weeks.
14. In the spring use pasture of allotment #01003, utilization limits are 50% on upland grasses, 45% on riparian grasses and sedges, and 30% on woody riparian species. If BLM, based on its monitoring results, determines that any of these utilization limits have been exceeded, BLM will notify the permittee in writing and the permittees' spring use in the following year will be reduced by one week.

With respect to Condition #1 above, you are responsible for installing and maintaining wildlife escape ramps on the following water developments in the Pedro Mountain Geographic Unit. By October 1, 2012, you are required to have escape ramps installed in the troughs on at least 4 (57%) of these projects. By July 1, 2013, you are required to have escape ramps on all of these projects:

Rangeland Improvement Number	Project Name	Allotment Number	Location
005359	Davies Spring	01072	T.12S., R43E., Sec. 34 NENW
740614	Road Gulch Spring #2	01072	T.12S., R43E., Sec. 33 SENW
740615	Brown Gulch Spring #1A	01072	T.12S., R43E., Sec. 33 SWSE
740617	West Fork Road Gulch Spring	01072	T.12S., R43E., Sec. 33 SENW
740624	Quaker Spring	01072	T.12S., R43E., Sec. 34 SWNW
740625	Summit Spring	01072	T.12S., R43E., Sec. 34 NESW
Not yet assigned	Lost Basin Spring	01027	T.12S., R43E., Sec. 24 NENE

RATIONALE FOR THE PROPOSED DECISION

The actions in this Proposed Decision respond to the Purpose and Need explained in the 2011 EA to modify livestock grazing management practices in order to make significant progress towards meeting rangeland health. Modification of the grazing permit is in conformance with the applicable Land Use Plan.

The Baker Resource Management Plan (RMP) of July 1989 provides management direction for Pedro Mountain Geographic Unit under Vegetation Allocation, both Upland and Riparian, which states that BLM will restrict livestock grazing through seasons of use, utilization levels and livestock numbers.

The most recent RMP Planning Update of February 2000 states:

“After an S&G assessment is completed, and if it is determined that the standards are not being met (and livestock grazing was a significant factor), appropriate action must be taken to address the problem. This action may include modifying the grazing system or season of use; reducing permitted numbers; constructing additional fencing or developing additional water facilities; deferring use on a pasture; or establishing different utilization standards.”

The proposed action described in the 2011 EA will allow for attainment of all applicable RMP objectives listed in the EA. No new issues or new demands for the use of the public lands involved have been identified, and the current multiple use allocation of resources remains appropriate.

The proposed action is consistent with and supports the Oregon/Washington Standards for Rangeland Health and Guidelines for Livestock Grazing Management. The changes in periods of use would result in fewer days of intense use of riparian zones in hot weather, and they would give more days for the riparian vegetation to recover following grazing. They would provide periodic deferral from grazing until after critical growth periods, which would promote plant vigor, reproduction, and productivity. Riparian utilization targets would be employed in Lost Basin, French Creek, and Summit Spring Allotments to help achieve proper functioning condition in riparian areas, and to conform with livestock grazing management guidelines to provide adequate cover and plant community structure (to promote streambank stability, debris and sediment capture, and floodwater energy dissipation). In Lost Basin Allotment, aspen protection including juniper cutting, and two spring protection fences, along with controlled early grazing of the Upper Reagan Creek riparian zone would address all the standards not achieved in this allotment. In French Creek Allotment, specifying the amounts of grazing use and the dates when the grazing is allowed to occur would make significant progress in controlling grazing management as compared to the No Action Alternative which does not restrict seasons of use or numbers of livestock.

The upland utilization targets are to conform to guidelines to provide adequate cover (live plants, plant litter and residue) to promote infiltration, conserve soil moisture and to maintain soil stability in upland areas.

My authority for this Proposed Decision is found in statutory and regulatory authorities contained in the Taylor Grazing Act as amended, the Federal Land Policy and Management Act of 1976, as amended, and Title 43 of the Code of Federal Regulations (CFR), Part 4100 (2005), including but not limited to sections: 4110.2-2 Specifying permitted use; 4110.3 Changes in permitted use; 4120.3-1 Conditions for range improvements; 4130.2 Grazing permits or leases; 4130.3 Terms and conditions; 4130.3-1 Mandatory terms and conditions; 4130.3-2 Other terms and conditions; 4130.3-3 Modification of permits or leases; 4160.1 Proposed decisions; 4160.2 Protests; 4160.3 Final decisions; and 4180.2 Standards and guidelines for grazing administration.

PROTEST AND/OR APPEAL

Any applicant, permittee, lessee or other interested public may protest a proposed decision under CFR 4160.1 and 4160.2, in person or in writing to Ted Davis, Field Manager, Baker Resource Area, Bureau of Land Management, P.O. Box 947, 3285 11th Street, Baker City, Oregon 97814 within 15 days after receipt of this proposed decision. The protest, if filed, should clearly and concisely state the reasons as to why the proposed decision is in error.

In accordance with 43 CFR 4160.3(a), in the absence of a protest, this proposed decision will become the final decision of the Authorized Officer without further notice. In accordance with 43 CFR 4160.3(b), upon a timely filing of a protest, after a review of protests received and other information pertinent to the case, the Authorized Officer shall issue a final decision.

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.3 and 4160.4. The appeal must be filed within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 and 4.479, pending final determination on appeal. The appeal and petition for a stay must be filed in writing to the office of the Authorized Officer (given above and on the letterhead). The appellant must also serve a copy of the appeal by certified mail to the Office of the Solicitor, Pacific Northwest Region, 805 SW Broadway, Suite 600, Portland, Oregon 97205, and persons named [43 CFR 4.421(h)] in the “Copies sent to” section of this decision.

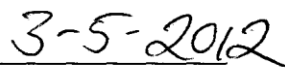
The appeal shall clearly and concisely state the reasons why the appellant thinks the final decision is in error, and otherwise comply with provisions of 43 CFR 4.470. All grounds of error not stated shall be considered waived, and no such waived ground of error may be presented at the hearing unless ordered or permitted by the administrative law judge.

If you wish to file a petition for a stay, see 43 CFR 4.471(a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

- (1) Relative harm to the parties if the stay is granted or denied.
- (2) Likelihood of the appellant's success on the merits.
- (3) Likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.



Ted Davis, Field Manager
Baker Resource Area



Date

Copies sent to: Confederated Tribes of the Umatilla Indian Reservation
Hells Canyon Preservation Council
ODFW
Oregon Wild
Northwest Farm Credit Services